

In the Matter of: )  
 )  
Business Meeting )  
\_\_\_\_\_ )

Commissioners Present (\*Via Phone)

James D. Boyd, Vice Chair  
Anthony Eggert  
Robert Weisenmiller\*

Staff Present:

Jonathan Blees, Chief Counsel  
Thom Kelly, Executive Officer's Office  
Jonathan Knapp, Chief Counsel's Office  
Jennifer Jennings, Public Advisor  
Lynn Sadler, Assistant Public Advisor  
Harriet Kallemeyn, Secretariat

Agenda Item

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Joseph Fleshman	5
Avtar Bining	6
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Others

Interested Parties:

Barry Hooper, City and County of S.F.,  
Department of Environment

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b. PORTVISION. Possible approval of Purchase Order 10-445.03-008 for \$20,000 to PortVision for a one-year subscription for marine vessel tracking and historical data. (ERPA funding.)	
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P R O C E E D I N G S

DECEMBER 29, 2010 10:08 a.m.

VICE CHAIR BOYD: Good morning, everybody.

Sorry for the slight delay. We are connecting Commissioner Weisenmiller in by remote access and we had trouble getting him, and we have him now, as I understand. Bob, are you there?

COMMISSIONER WEISENMILLER: Yes, Commissioner Boyd, I'm here.

VICE CHAIR BOYD: Thank you. All right, I want to welcome everybody, then, to the December 29<sup>th</sup>, 2010 Business Meeting of the California Energy Commission, I will note, the last one for 2010.

Please join me in the Pledge.  
(Whereupon, the Pledge of Allegiance was received in unison.)

VICE CHAIR BOYD: Thank you. Agenda revisions, there is only one, Item 1d on the Consent Calendar will be removed from the Consent Calendar and scheduled for discussion and I'll title it Item 2a and we'll take it up after Item 1.

So we have Item 1, items a through c on the Consent Calendar. Do I have questions or a motion?

COMMISSIONER EGGERT: I will move the item.

COMMISSIONER WEISENMILLER: I'll second it.

1                   VICE CHAIR BOYD: Thank you. All in favor?  
2 Oh, I forgot to - I've got it written here in big bold  
3 letters, we have to do roll call vote with someone  
4 phoning in, so -

5                   MS. KALLEMEYN: Commissioner Eggert - Aye;  
6 Commissioner Weisenmiller - Aye; Vice Chair Boyd - Aye.

7                   MS. KALLEMEYN: The motion carries.

8                   VICE CHAIR BOYD: The motion carries, three to  
9 nothing, thank you.

10                  Item 2a, then, will be a discussion of the  
11 previously listed 1d, Locally Adopted Building Energy  
12 Standards. And we've removed the item because I  
13 understand we have someone here from the County of San  
14 Francisco, either here or on the phone, I'm not sure  
15 which - here - who wanted to speak to the item. So, we  
16 are ready to hear from the City of San Francisco. But, I  
17 will say that the item is Locally Adopted Building  
18 Standards. Possible approval of locally adopted building  
19 energy standards for the Cities of Burlingame, Daly City,  
20 Goleta, Sonoma, San Carlos, the town of Portola Valley,  
21 and the City and County of San Francisco. Therefore, we  
22 will move to hear the item with the gentleman from San  
23 Francisco.

24                  MR. HOOPER: Good morning. My name is Barry  
25 Hooper. I'm with the Department of Environment with the

1 City and County of San Francisco and I'm here on behalf  
2 of both our own department and the Department of Building  
3 Inspection and the Mayor's Office to actually thank the  
4 Commission and Commission staff for extraordinary efforts  
5 to get this item on to the agenda for your consideration  
6 today and to complete their administrative review. This  
7 is actually a continuation of green building standards  
8 that the City has had in place for several years starting  
9 in 2008, and while the text of the ordinance before you  
10 is substantially different than in years past, the  
11 content is actually very similar in what the change  
12 involved, integrating with the new California Green  
13 Building Standards, while maintaining certain stricter  
14 locally adopted standards in place. I just really wanted  
15 to take a moment to thank you for your time and  
16 consideration and for your efforts on this matter.

17 VICE CHAIR BOYD: I want to thank you for being  
18 here, thank you for your kind words. Up until today's  
19 item, we traditionally have heard each and every one of  
20 these items, and there is getting to be so many cities  
21 who are doing the very commendable thing of adopting  
22 standards that exceed the guidelines that we've  
23 established, that this is the first time we've done it as  
24 a consent item. However, we're very glad to hear from  
25 the City. I am doing this in an unorthodox way because,



1 now, I'm going to call upon Mr. Loyer, who can present  
2 the item overall and the balance of the item, but I  
3 wanted to give the gentleman from San Francisco, Mr.  
4 Hooper, an opportunity to comment on the item first. Mr.  
5 Loyer, will you sum up the item?

6 MR. LOYER: Commissioner, thank you. The City  
7 and County of San Francisco is presenting this  
8 Application for a Local Ordinance approval. The  
9 Ordinance will ensure that residential projects under the  
10 City and County of San Francisco will achieve 15 percent  
11 or more exceedance of the 2008 California Building Energy  
12 Efficiency Standards, Title 24, Part 6, using GreenPoint  
13 rated checklist developed by Build it Green. The  
14 Ordinance also estimates that newly constructed  
15 commercial buildings will, as well as additions and  
16 alterations, will exceed the standards by 15 percent or  
17 more under the leadership and energy environmental design  
18 checklist developed by U.S. Green Building Council, in  
19 addition to the implementation of Title 24, Part 11, and  
20 the implementation of an equivalency of Tier 1  
21 requirements.

22 Staff has reviewed the ordinance and has  
23 determined that it complies with all the necessary  
24 requirements of Title 24, Part 1, Section 10106, and  
25 recommends the application be approved and the Energy

1 Commission resolution be signed, which I have here.

2 VICE CHAIR BOYD: Okay, Mr. Loyer, since we  
3 pulled the entire item, you referenced the City and  
4 County of San Francisco, but you're going to need to tell  
5 us that the same criteria applies to all the other cities  
6 listed in the item. Are you prepared to do so?

7 MR. LOYER: I can do them individually or  
8 altogether if you'd like.

9 VICE CHAIR BOYD: Altogether would be just fine  
10 since no other City has asked to comment.

11 MR. LOYER: Generally, all the cities and towns  
12 - in this case, we have one town - and counties, and city  
13 and counties, are exceeding the Code by 15 percent, they  
14 are generally using either LEED GreenPoint rated, or  
15 implementing Tier 1, or, in one case, they're  
16 implementing a sort of mix of several different measures,  
17 but they all should exceed the Code by 15 percent, and we  
18 do recommend all of them to be approved and their  
19 resolutions to be signed.

20 VICE CHAIR BOYD: Okay, thank you very much.  
21 And thank you, Mr. Hooper, for being here. Do we have a  
22 motion?

23 COMMISSIONER EGGERT: Actually, if I might,  
24 Commissioner, I just wanted to commend all of the cities  
25 that are listed on this item, as well as specifically

1 really appreciate, Mr. Hooper, you're appearing here in  
2 person here today. I know the City and County of San  
3 Francisco, through the leadership of the Department of  
4 Environment, has really shown great leadership on  
5 environmental and energy issues on recycling, climate  
6 policies and, of course, green buildings. So, appreciate  
7 the opportunity to continue the partnership that we've  
8 had with the state and the city and county, just wanted  
9 to recognize your leadership on that.

10 VICE CHAIR BOYD: Thank you. Any other  
11 comments from Commissioners? If not, we do have a motion  
12 and a second?

13 COMMISSIONER EGGERT: Commissioner, I move the  
14 item.

15 COMMISSIONER WEISENMILLER: I'll second it.

16 VICE CHAIR BOYD: Thank you; there has been a  
17 motion and a second. Roll call.

18 MS. KALLEMEYN: Commissioner Eggert - Aye;  
19 Commissioner Weisenmiller - Aye; Vice Chair Boyd - Aye.

20 The motion carries.

21 VICE CHAIR BOYD: The motion carries, three to  
22 nothing. Thank you, all.

23 MR. LOYER: One more item, we have the  
24 resolution signed by the Commissioners for the City and  
25 County at this point, and you have our congratulations.

1           VICE CHAIR BOYD: Oh, thank you, yes, indeed,  
2 Mr. Hooper. I'm glad you're here to receive your  
3 resolution in person.

4           MR. HOOPER: Thanks so much for your time.

5           VICE CHAIR BOYD: Okay, now, Item 2. Solaria  
6 Corporation. Possible approval of amending Agreement  
7 009-10-CEB to increase the loan amount from \$753,992 to  
8 the requested amount of \$2,768,122. Marcia Smith will be  
9 presenting for the staff. Ms. Smith.

10           MS. SMITH: Thank you. Good morning, Vice  
11 Chairman and Commissioners. I work in the Clean Energy  
12 Business Financing Program, which is in the Energy  
13 Commission's Fuels and Transportation Division. The  
14 Energy Commission, through the State Energy Program  
15 identified \$226 million to develop various programs to  
16 meet American Recovery and Reinvestment Act State and  
17 Commission goals. Approximately \$30.6 million was  
18 earmarked for the development of the Clean Energy  
19 Business Financing Program. Agenda Item 2 is the  
20 possible approval of an amendment to increase Solaria  
21 Corporation's CEBFP loan mount from \$753,992 to  
22 \$2,768,122, which is the loan amount the company  
23 originally requested. At the time of the initial award  
24 to Solaria, all the other CEBFP funds had been allocated  
25 to other higher scoring Awardees; however, in the

1 following months, a CEBFP Awardee withdrew from  
2 consideration, freeing up previously allocated funding.  
3 This amendment allows the Commission to fully fund the  
4 Solaria Corporation project to purchase and install  
5 equipment, including a glass scanner and a photovoltaic  
6 assembly machine, to increase capacity at their solar  
7 panel manufacturing facility in Fremont, California. The  
8 facility will have an annual capacity of 6 megawatts by  
9 their expected completion date of October 2011. In  
10 addition, the project will create or retain 79 full-time  
11 equivalent jobs, and the annual production of solar  
12 panels will offset an estimated 3,914 tons of carbon  
13 dioxide per year. The total cost is approximately \$3.5  
14 million, of which Solaria Corporation will provide  
15 \$743,891 in leveraged financing.

16 Staff requests the Commission approve Item 2 to  
17 amend the agreement with Solaria Corporation for the  
18 total CEBFP loan amount of \$2,768,122. Thank you.

19 VICE CHAIR BOYD: Thank you. I have no  
20 indication of anyone wanting to testify on this item in  
21 the form of a blue card or anything else, so I will open  
22 it up to any questions from Commissioners, or comments.

23 COMMISSIONER EGGERT: Commissioners, if I  
24 might, just a comment. This came through the ARRA Ad Hoc  
25 Committee and this was, I would say, a good sign that we

1 had a large number of highly qualified applications for  
2 these manufacturing loans, and the fact that the solar  
3 power withdrew their acceptance of the award allowed us  
4 to go down the list to this company, which was previously  
5 funded, but we were now able to provide a full funding  
6 for their application, so it's great, I think, to see  
7 that we do have more applications, more desire than we  
8 have available resources, but that does allow us to  
9 adjust when a particular company pulls out. So, I guess  
10 I would recommend approval and I will move the item  
11 unless there is any further comment.

12 COMMISSIONER WEISENMILLER: I was also going to  
13 comment that I had met with them to discuss the Solaria  
14 Corporation's interest in the loan, and I know they were  
15 disappointed with the initial allocation, and it's good  
16 to see a quality applicant getting the funding, full  
17 funding, at this stage. So, I will second it.

18 VICE CHAIR BOYD: All right, we have a motion  
19 and a second. I will just add in that I, too, was glad  
20 to see such a positive project was able to get full  
21 funding. You heard the attributes, they are fairly  
22 significant, and it's meaningful to California to have  
23 manufacturing done here, so we have a motion and a  
24 second. Roll call?

25 MS. KALLEMEYN: Commissioner Eggert - Aye;

1 Commissioner Weisenmiller - Aye; Vice Chair Boyd - Aye.

2 The motion carries.

3 VICE CHAIR BOYD: The motion carries three to  
4 nothing. Thank you.

5 MS. SMITH: Thank you.

6 VICE CHAIR BOYD: Item 3. City Of Arroyo  
7 Grande. Possible approval of Agreement 002-10-ECE-ARRA  
8 for a loan of \$158,156 to the City of Arroyo Grande to  
9 implement energy efficiency measures. Haile Bucaneg.

10 MR. BUCANEG: Good morning, Commissioners. My  
11 name is Haile Bucaneg, and I'm with the Special Programs  
12 Office. This item is a request for the approval of a  
13 \$158,156 ARRA funded loan at an interest rate of 3  
14 percent to the City of Arroyo Grande for the installation  
15 of energy efficiency measures in City facilities. The  
16 measures include upgrading HVAC units, upgrading existing  
17 HVAC controls with programmable thermostats, upgrading  
18 interior lighting equipment and controls, installing  
19 vending machine misers, replacing computer monitors,  
20 installing computer controls, and installing LED street  
21 lights. The total annual energy savings for these  
22 projects is 90,678 kilowatt hours and 1,085 therms. This  
23 is equivalent to a reduction of approximately 37 tons of  
24 CO<sub>2</sub> at an annual energy cost savings of \$14,431. The  
25 simple payback for this loan is 11 years, and in addition

1 to this loan, the City of Arroyo Grande will also be  
2 using a \$92,236 Block Grant obtained through the  
3 California Energy Commission and will also apply for  
4 approximately \$10,043.00 in utility rebates.

5 VICE CHAIR BOYD: Thank you. Again, I have no  
6 indication of anyone wanting to speak to this item, so  
7 comments, questions from Commissioners?

8 COMMISSIONER EGGERT: Again, I just think it's  
9 another example of local jurisdiction taking advantage of  
10 the resources provided through ARRA to make some  
11 investments which will have long term savings, both for  
12 the jurisdiction and for the State, so I'll move the  
13 item.

14 COMMISSIONER WEISENMILLER: I will second it.

15 VICE CHAIR BOYD: Great, we have a motion and a  
16 second, and I'll just concur on the very positive  
17 attributes of this program. And the City of Arroyo  
18 Grande is one that I've visited on several occasions, so  
19 very good for them. Roll call, please.

20 MS. KALLEMEYN: Commissioner Eggert - Aye;  
21 Commissioner Weisenmiller - Aye; Vice Chair Boyd - Aye.

22 The motion carries.

23 VICE CHAIR BOYD: Motion carries, three to  
24 nothing. Thank you.

25 MR. BUCANEG: Thank you.



1                   VICE CHAIR BOYD:   Item 4.   Oil Price  
2   Information Service (OPIS).   Possible approval of  
3   Purchase Order 10-445.03-007 for \$138,929 to renew the  
4   Energy Commission's subscription to OPIS for two  
5   additional years.   Andre Freeman.

6                   MR. FREEMAN:   Good morning, Commissioners.   My  
7   name is Andre Freeman.   I'm with the Fuels and  
8   Transportation Division's Fossil Fuels Office.   I'm here  
9   seeking approval of the Oil Price Information Service  
10   data subscription; the next subscription will be for two  
11   years at \$138,929.   OPIS currently provides us with  
12   detailed pricing information on both conventional and the  
13   emerging alternative fuels industries.   They also let us  
14   know about Federal legislation that's coming down the  
15   pipeline, as well as general market trends that are going  
16   on.   The data is currently utilized in our transportation  
17   energy forecasts, as well as the IEPR coming up this  
18   year.   It has previously been used in reports to the  
19   Governor's Office, including the Multiple Price Bike  
20   Reports and the Propane Shortage Report.   More recently,  
21   it's been used to support AB 118 activities such as the  
22   CEPIP Program, the California Ethanol Producer Incentive  
23   Program, to determine ethanol price margins and such.

24                   The subscription has previously been approved  
25   by the Transportation Committee.   Are there any

1 questions?

2 VICE CHAIR BOYD: Thank you, Mr. Freeman.

3 Nobody has indicated the desire to testimony, so  
4 questions or comments from Commissioners?

5 COMMISSIONER EGGERT: No questions again. As,  
6 Commissioner, you're well aware, this came through the  
7 Transportation Committee and was approved by the  
8 Committee as an extremely valuable and useful information  
9 that would take a lot of staff time to assemble if we had  
10 to do it ourselves, but the ability to purchase it allows  
11 us to take advantage of this resource, so I'll move the  
12 item.

13 COMMISSIONER WEISENMILLER: I'll second it.

14 VICE CHAIR BOYD: Okay, we have a motion and a  
15 second, and since the Transportation Committee is sitting  
16 right here, we're both very familiar with the item and,  
17 furthermore, for the long years I've been here now, this  
18 has been a key source of information for our  
19 transportation folks and all the reports we've produced  
20 as a result thereof, including the IEPR and the  
21 forthcoming IEPR for 2011, so this is a valuable and  
22 reasonable piece of information. So, if we could have  
23 roll call, please?

24 MS. KALLEMEYN: Commissioner Eggert - Aye;  
25 Commissioner Weisenmiller - Aye; Vice Chair Boyd - Aye.

1 Motion carries.

2 VICE CHAIR BOYD: Motion carries, three to  
3 nothing. Thank you, Andre.

4 Item 5. Soladigm, Inc. Possible approval of  
5 Agreement PIR-10-049 for a grant of \$400,000 to Soladigm,  
6 Inc. to conduct research and development to improve the  
7 manufacturing process of solid-state dynamic windows.  
8 Mr. Fleshman.

9 MR. FLESHMAN: Good morning, Commissioners. My  
10 name is Joe Fleshman. I'm with the PIER Program's  
11 Buildings Efficiency Group. I'm here to request possible  
12 approval of Agreement PIR-10-049 with Soladigm, Inc. for  
13 a \$400,000 grant for development of these Solid State  
14 Dynamic windows. This grant leverages a Department of  
15 Energy, American Recovery and Reinvestment Act of 2009  
16 Award. The DOE award was \$3,467,541. Soladigm is  
17 providing \$1,911,696 of match funding, so the total  
18 budget for the project, then, is \$5,779,237.

19 Dynamic windows are windows that can switch  
20 from tinted to clear and back on demand. Existing  
21 dynamic windows have fallen short of the cost performance  
22 and quality requirements needed for wide scale adoption;  
23 in particular, currently available Electrochromic windows  
24 can cost upwards of \$100 per square foot. Soladigm has  
25 developed a new approach to manufacturing those windows.

1 Low cost dynamic windows through an all vacuum in-line  
2 production process. So, in a traditional process, you  
3 create a vacuum, you perform some steps, semi-conductor-  
4 type steps, and then you have to release the vacuum, do  
5 some more steps, and then create another vacuum to do the  
6 rest of the layers and the Electrochromic windows. What  
7 Soladigm has developed is an all vacuum process, you only  
8 have to create a vacuum once, which makes it less energy  
9 and labor intensive compared to the traditional process.  
10 So, Soladigm has developed a two-inch lab prototype of  
11 the Electrochromic thin film technology, using this  
12 process, and in this project Soladigm will transition the  
13 two-inch prototype up to a 30-inch, and then a full 60-  
14 inch, five-foot-wide product fabricated using a complete  
15 scalable in-line production process.

16           The reason why this is important is it's  
17 anticipated that Soladigm's new approach will allow us to  
18 get Electrochromic costs down to about \$15.00 per square  
19 foot premium over typical low-e windows by 2012, and  
20 \$5.00 cost premium over low-e windows by 2019, so it will  
21 bring the cost way down from the current price of upwards  
22 of \$100 per square foot. So, further, with wide scale  
23 adoption, California could save up to 14,000 gigawatt  
24 hours per year in cooling and lighting costs, and peak  
25 demand savings of about nine percent. So, I'm happy to

1 answer any questions and I request approval of this item.

2 VICE CHAIR BOYD: Thank you. I have no  
3 indication of anyone wishing to speak to this item, so  
4 questions or comments from Commissioners?

5 COMMISSIONER EGGERT: I do have a couple of  
6 questions, Commissioner. So, I read this item with great  
7 interest and particularly appreciated the fact that you  
8 sort of highlighted one of the primary purposes for  
9 investing in this, which is to reduce the costs of this  
10 novel technology. I was fortunate to be able to tour  
11 some of the Lawrence Berkeley Lab work on dynamic  
12 Electrochromic windows. And I guess my question is, I  
13 understand this is a PIER Grant. Is this connected to  
14 any past PIER research with respect to the Electrochromic  
15 window?

16 MR. FLESHMAN: No. PIER's past research with  
17 Electrochromic windows has really been on the  
18 performance, the energy savings that is at Berkeley Lab  
19 at the Windows Test Bed facility. We've tested other  
20 Electrochromic manufacturers' windows before, but that  
21 was more to determine its performance. This is - we  
22 haven't done - PIER has not done Electrochromic  
23 manufacturing research before, to my knowledge.

24 COMMISSIONER EGGERT: And does this represent  
25 sort of a new direction on this particular technology

1 with respect to manufacturing research?

2 MR. FLESHMAN: I believe that improving the  
3 manufacturing process is how we're going to get those  
4 costs down because I think that, up until now, the  
5 assumption has been that we could get all of our cost  
6 savings with Electrochromics through volume  
7 manufacturing, and I think that if we can improve the  
8 manufacturing process, that volume manufacturing is going  
9 to be more likely, which is why we're estimating, you  
10 know, \$5.00 per square foot premium by 2019.

11 COMMISSIONER EGGERT: Okay, thank you. Yeah,  
12 like I said, this looks very promising, especially if  
13 they can hit these price points, and it's good to be able  
14 to support a company that has their operations here in  
15 California in Milpitas. Do we know anything about their  
16 plans for scale-up on a manufacturing side? Do they have  
17 any current plans or intentions to build manufacturing  
18 facilities?

19 MR. FLESHMAN: All their research and  
20 development is in Milpitas, they have about 15 employees  
21 here that will be supported by this project. They have  
22 announced - Soladigm has announced that they will be  
23 building a plant in Mississippi, actually, with a \$40  
24 million loan from the State of Mississippi. So, that's  
25 their initial plant, but they plan to scale-up and have,

1 you know, a dozen manufacturing plants across the country  
2 once they scale-up.

3 COMMISSIONER EGGERT: Okay, hopefully we can  
4 convince them to bring one of those to the state. I have  
5 no further questions. And I guess if there are no  
6 further questions or comments, I would move the item.

7 COMMISSIONER WEISENMILLER: I'll second it.

8 VICE CHAIR BOYD: We have a motion and a  
9 second, and I will just add that Commissioner Byron and  
10 I, constituting the Research Committee, reviewed this  
11 proposal and recommended it to be presented to the full  
12 Commission here today, and for a lot of the same reasons  
13 you've heard, and the questions you asked about  
14 manufacturing, and the fact that, while we'd like to lure  
15 a manufacturing plant here some day, the idea of getting  
16 the cost down is incredibly important, particularly since  
17 California represents such a large potential market for  
18 this technology, and it offers the opportunity for fairly  
19 significant and hopefully affordable efficiency  
20 improvements in the buildings and homes that utilize this  
21 technology, so we are very hopeful that the scale-up is  
22 successful. With that, we've had a motion and a second,  
23 and I'll ask for roll call.

24 MS. KALLEMEYN: Commissioner Eggert - Aye;  
25 Commissioner Weisenmiller - Aye; Vice Chair Boyd - Aye.

1           The motion carries.

2           VICE CHAIR BOYD: The motion carries three to  
3 nothing. Thank you, Mr. Fleshman.

4           MR. FLESHMAN: Thank you, Commissioners.

5           VICE CHAIR BOYD: Item 6. California Institute  
6 for Energy and Environment. Possible approval of Work  
7 Authorization MRA-02-088 for \$324,998 with the Regents of  
8 the University Of California, California Institute for  
9 Energy and Environment for a strategic analysis of energy  
10 storage technology. Mr. Avtar Bining to present.

11           MR. BINING: Good morning, Commissioners. Good  
12 morning, everybody. My name is Avtar Bining and I manage  
13 the Energy Storage Program, Energy Research and  
14 Development Division of the Energy Commission. This  
15 Agreement that I'm going to present for your approval is  
16 with Regents of the University of California, California  
17 Institute for Energy and Environment, for \$324,998, to  
18 conduct a strategic analysis of energy storage technology  
19 and to develop a 2020 Energy Storage Vision for  
20 California. For this project, California Institute of  
21 Energy and Environment has assembled a research team of  
22 Energy Storage Technology experts and policy experts from  
23 the University of California campuses at Berkeley, Los  
24 Angeles, and San Diego. This team will determine the  
25 current status of the energy storage technology and will



1 also identify related issues, research gaps, barriers,  
2 and opportunities, as well as specific actions and  
3 necessity for development and deployment of energy  
4 storage technology in California. The project results  
5 will be used for the 2011 Integrated Energy Policy Report  
6 Proceedings, and these results will also be provided to  
7 the California Public Utilities Commission and others to  
8 support their activities for meeting the requirements of  
9 Assembly Bill 2,514 that is the Energy Storage Systems  
10 bill recently enacted into law, and the project term is  
11 about five months, and I request your approval of this  
12 agreement. And I will be happy to answer any questions.

13 VICE CHAIR BOYD: Thank you. I have no  
14 indication of anyone wishing to speak to this item, so,  
15 again, I will turn to the Commissioners for questions and  
16 comments.

17 COMMISSIONER EGGERT: Commissioner, again, I  
18 really do appreciate the R&D Committee bringing this item  
19 to the full Commission. I had the benefit of getting  
20 briefed by Mr. Bining on this item and I think it really  
21 does present a tremendous opportunity to establish  
22 California as a leader and a strategic vision for energy  
23 storage, both large scale utility scale and distributed.  
24 And so I note that this has an extremely aggressive  
25 timeline, I believe five months is the term, and we're

1 hoping to even get product out prior to that, to  
2 contribute to the IEPR process. And so, I understand a  
3 good team has been selected and hopefully they have a  
4 good team manager to deliver a quality product in that  
5 timeline. But I think this is very timely and extremely  
6 important, especially as it also leads into the PUC  
7 Proceeding that is related to the AB 2514 bill. So, all  
8 of my questions were answered during the briefing, so I  
9 have no further.

10 VICE CHAIR BOYD: Thank you. Commissioner  
11 Weisenmiller, any comments?

12 COMMISSIONER WEISENMILLER: Yes, I was going to  
13 say, I have discussed this contract with both  
14 Assemblywoman Skinner, and with the transition team and  
15 they are certainly appreciative of the Energy Commission  
16 moving forward on this contract, and trying to flesh out  
17 the analytical base, and I, too, would like to thank the  
18 R&D Committee for its leadership in this area, and I  
19 certainly would be happy to move this item.

20 COMMISSIONER EGGERT: Second.

21 VICE CHAIR BOYD: We have a motion and a second  
22 on this item and, again, Commissioner Byron and I,  
23 constituting the R&D Committee, we are very grateful for  
24 the staff moving this issue right along. We had some  
25 very enlightened legislation from Assemblywoman Skinner

1 to prod this subject of Energy Storage along, which this  
2 Commission in its Integrated Energy Policy Report has  
3 more than once commented on the need for, and the  
4 desirability of, energy storage systems in California to  
5 help complement many of the other activities we have  
6 going on, particularly in the generation area, from  
7 renewables. So, this is ambitious and we are very  
8 grateful that staff has stepped up and is going to be  
9 moving this, and the key personnel are impressive, so  
10 hopefully we'll get a very good strategic plan that the  
11 Commission can move forward on in concert with the Public  
12 Utilities Commission. So, we have a motion and a second.  
13 Roll call, please.

14 MS. KALLEMEYN: Commissioner Eggert - Aye;  
15 Commissioner Weisenmiller - Aye; Vice Chair Boyd - Aye.

16 Motion carries.

17 VICE CHAIR BOYD: Motion carries three to  
18 nothing. Thank you, Avtar.

19 MR. BINING: Thank you and Happy New Year.

20 VICE CHAIR BOYD: Thank you. Same to you and  
21 good luck moving this along aggressively.

22 Item 7. Solar Offset Program. Possible  
23 adoption of proposed regulations, including the 15-Day  
24 Language relative thereto, that will govern the  
25 requirements of the Homebuyer Solar Option and Solar

1 Offset Program, as required by California Public  
2 Resources Code Section 25405.5, which is a product of  
3 Senate Bill 1 by Senator Murray, which was enacted in  
4 2006. And we have Sherrill Neidich here to speak to it.

5 MS. NEIDICH: Thank you. Good morning,  
6 Commissioners. My name is Sherrill Neidich. I work in  
7 the Renewable Energy Office and I am the Project Manager  
8 for the Solar Offset Program Rulemaking. I am here today  
9 to request that you adopt the proposed regulations, 15-  
10 day language, for the Solar Option and Solar Offset  
11 Program. I am going to provide you with a brief  
12 overview.

13 Public Resources Code Section 25405.5, as  
14 enacted by Senate Bill 1, requires a seller of production  
15 homes to offer the option of a solar energy system to all  
16 prospective homebuyers, negotiating the purchase of a new  
17 production home, constructed on land, or an application  
18 for a tentative subdivision map has been deemed complete  
19 on or after January 1, 2011, and directs the Energy  
20 Commission to develop regulations for an offset program  
21 that allows a developer/seller or production homes to  
22 forego solar as an offer requirement by installing a  
23 solar energy system on other projects.

24 At its January 13<sup>th</sup>, 2010 Business Meeting, the  
25 Energy Commission approved an Order Instituting

1 Rulemaking to adopt guidelines for the administration of  
2 the Solar as an Option and Solar Offset Program. In  
3 February 2010, the staff conducted informal stakeholder  
4 meetings to solicit comments. In May 2010, we developed  
5 a staff paper to present the issues and possible  
6 alternatives that were raised during the stakeholder  
7 meetings. On May 20<sup>th</sup>, 2010, we held a workshop to  
8 discuss the staff paper.

9 In September 2010, we developed a staff report  
10 that presented proposed draft regulations to be  
11 considered. Staff received comments from stakeholders  
12 and considered those comments when developing proposed  
13 regulations. On October 12<sup>th</sup>, the staff submitted the 45-  
14 day language, the Initial Statement of Reasons, and the  
15 Notice of Proposed Action to the Office of Administrative  
16 Law. The Notice was published in the California  
17 Regulatory Notice Register on October 22<sup>nd</sup>, 2010,  
18 initiating the 45-day comment period. The comment period  
19 ended on December 6<sup>th</sup>, 2010. On November 19<sup>th</sup>, staff  
20 submitted 15-day language and revised Initial Statement  
21 of Reasons to the Office of Administrative Law. The 15-  
22 day language included a new definition, and the Initial  
23 Statement of Reasons was revised to include additional  
24 clarification regarding the proposed regulations. The  
25 comment period for the 15-day language also ended on

1 December 6<sup>th</sup>.

2           On December 7<sup>th</sup>, 2010, the Renewables Committee  
3 held a public hearing to receive public comments to the  
4 15-day language. No negative comments were heard at the  
5 hearing or about the deadlines stated in the notice. At  
6 the hearing, we did receive comments in support of the  
7 regulations from a stakeholder representing the  
8 California Building Industry Association and the  
9 California Business Properties Association. If the  
10 regulations are adopted at today's meeting, staff will  
11 complete the final regulation package to submit to the  
12 Office of Administrative Law for final review and  
13 approval. We are anticipating submitting this final  
14 package to OAL in mid-January, 2011, with a possible  
15 approval date in late March 2011. After the regulations  
16 have been finalized by OAL, staff plans on providing  
17 outreach by holding a workshop targeted at members of the  
18 building industry and local government, Building and  
19 Planning Departments, to provide an overview on complying  
20 with the regulations. And if you have any questions, I'd  
21 be more than happy to answer them.

22           VICE CHAIR BOYD: Thank you, Ms. Neidich. We  
23 do have indication of one individual, at least, who wants  
24 to speak to this item. Mr. Bob Raymer of the California  
25 Building Industry Association.

1                   MR. RAYMER: Thank you, Commissioners and  
2 staff. I'm Bob Raymer, Technical Director and Senior  
3 Engineer with the California Building Industry  
4 Association. And, as staff had indicated, we are in  
5 support of these Regs. We hope you adopt these Regs  
6 today. And I would like to say that, initially, back in  
7 May and June, we had a great many comments and questions  
8 on this. And staff put a tremendous amount of time into  
9 effectively responding to our concerns, our comments.  
10 For the most part, just about everything we were seeking  
11 either clarification on, or change on, has been  
12 addressed. And so, unless you've got any questions, we  
13 strongly support your adoption of these today. Thank  
14 you, and thank you to staff.

15                  VICE CHAIR BOYD: Well, thank you. Thank you  
16 for being here. Thank you for your support of this item  
17 and thank you for working so diligently with the staff.  
18 I must say, Commissioner Weisenmiller and I, who are the  
19 Renewables Committee, have watched and tended this item  
20 for the year that you have, and are very appreciative of  
21 the fact that both the staff and yourselves and other  
22 stakeholders have found the happy middle ground on what  
23 constitutes now proposed regulations for this program,  
24 which we're anxious to see move forward. I am sure you  
25 and the other stakeholders are, as well, particularly in

1 order to meet the 2011 need that has been established.

2 So, thank you very much for being here.

3 Commissioners, any questions or comments?

4 COMMISSIONER EGGERT: No questions. I thought  
5 the item was well described and, Mr. Raymer, I appreciate  
6 your comments here. It's always good to hear from the  
7 stakeholders, especially when it's positive in terms of  
8 the end product, and certainly looking forward to your  
9 and your organization's participation as we address  
10 existing homes through 758 in the coming year. So, I  
11 have no questions. And I would move the item -

12 MR. KNAPP: Commissioners, before you rule on  
13 the item, I'm Jonathan Knapp from the Commission's Legal  
14 Office. I just have a statement regarding the  
15 applicability of the California Environmental Quality Act  
16 to the proposed regulations.

17 VICE CHAIR BOYD: Please. Automatic with all  
18 regulatory actions we take.

19 MR. KNAPP: The Energy Commission's Legal  
20 Office has considered the application of the California  
21 Environmental Quality Act, CEQA, to the adoption of the  
22 proposed regulations to implement and administer the  
23 Homebuyer Solar Option and Solar Offset Program, and  
24 opine that the adoption of these regulations is exempt  
25 from CEQA under Public Resources Code Section 21084 and



1 Title 14, California Code of Regulations, Section 15308,  
2 because this rulemaking proceeding is an action by a  
3 regulatory agency that is authorized by State statute to  
4 protect the environment. The adoption of these  
5 regulations is authorized by California Public Resources  
6 Code Section 25405.5 to promote the use of photovoltaic  
7 solar energy systems and reduce energy demand for  
8 conventional power plants and thereby reduce carbon  
9 emissions that are generated by burning fossil fuels.  
10 The Energy Commission's Legal Office also opines that the  
11 adoption of those regulations falls within the Common  
12 Sense exemption found at Title 14, California Code of  
13 Regulations Section 15061(B)(3). Section 15061(B)(3)  
14 stats that CEQA only applies to projects that have a  
15 significant effect on the environment, which is defined  
16 at Title 14, California Code of Regulations Section  
17 15382, and has a substantial or potentially substantial  
18 adverse change in any of the physical conditions within  
19 the area affected by the project, including land, air,  
20 water, minerals, flora, fauna, ambient noise, and objects  
21 of historic or aesthetic significance. Although the  
22 proposed regulations promote the use of photovoltaic  
23 solar energy systems, the regulations do not require the  
24 installation of any such systems. A seller or developer  
25 of production homes located in a subdivision covered by

1 these regulations may comply with the Homebuyer Solar  
2 Option by offering to install solar energy systems on  
3 homes being purchased by prospective homebuyers; however,  
4 the regulations do not require prospective homebuyers to  
5 accept the offer and install solar energy systems.  
6 Similarly, although the proposed regulations provide that  
7 a seller or developer may forego the offer requirement by  
8 installing a solar energy system on another project under  
9 the solar offset program, the regulations do not require  
10 a seller or developer to select this alternative, thus,  
11 the Energy Commission is unable to forecast the actual  
12 effects that the proposed regulations will have on the  
13 physical environment. Moreover, it is also relevant that  
14 any future effects which might result from Governmental  
15 action related to the installation of solar energy  
16 systems at specific locations will themselves likely  
17 require analysis under CEQA. These opinions are  
18 reflected in the Proposed Order adopting regulations for  
19 the Homebuyer Solar Option and Solar Offset Program,  
20 thus, in the event the Commission decides to adopt the  
21 Proposed Order, it will be making the findings that I've  
22 described. Thank you, Commissioners.

23 VICE CHAIR BOYD: Thank you. With that -

24 COMMISSIONER WEISENMILLER: I would like to  
25 make a few comments.

1                   VICE CHAIR BOYD: Please.

2                   COMMISSIONER WEISENMILLER: First, as the  
3 second member of the Renewables Committee, I'm glad to be  
4 part of the process today of considering these  
5 amendments. I had anticipated I would be on Jury Duty  
6 today, but got a release of that yesterday, so sorry I'm  
7 not there in person. But, certainly, I really appreciate  
8 the staff's and the industry's activities on this. I  
9 think, when I started at the Commission, it was pointed  
10 out to me that new construction in California dropped  
11 from about 250,000 units a year to about 40,000 or  
12 50,000, with a great loss of jobs from that in the  
13 building industry. And since then, it's become clear  
14 that a lot of the associated manufacturing industry,  
15 asbestos manufacturers, the glass manufacturers, etc., in  
16 California, have been very hard hit by the drop in new  
17 construction. And at the same time, I think all of us  
18 are committed to trying to move photovoltaic into the  
19 mainstream for new construction, and so this was  
20 certainly a balancing act to come up with standards that  
21 would encourage that, but not further hit the building  
22 industry. So, I certainly appreciate the staff and  
23 industry's activity to come up with a set of meaningful  
24 standards that everyone could live with. So, with that,  
25 I'd certainly second this item.

1                   VICE CHAIR BOYD: Thank you. We've had a  
2 motion and a second. Roll call, please.

3                   MS. KALLEMEYN: Commissioner Eggert - Aye;  
4 Commissioner Weisenmiller - Aye; Vice Chair Boyd - Aye.  
5                   Motion carries.

6                   VICE CHAIR BOYD: Motion carries, three to  
7 nothing. Thank you very much, and commendations again to  
8 the staff and all the stakeholders. This is a good end  
9 to the year present to many of us, and particularly the  
10 staff, I'm sure.

11                  MS. NEIDICH: Thank you very much.

12                  VICE CHAIR BOYD: All right, that is the end of  
13 all scheduled items. We will move on now to Approval of  
14 Minutes. And I just want to say my thanks to all the  
15 staff as they're exiting the room for a job well done  
16 this year, and commendations, and we'll look forward to  
17 more work in this area next year.

18                  Item 8. Minutes of the Commission Meeting of  
19 December 15<sup>th</sup>, before us.

20                  COMMISSIONER EGGERT: I would like to move the  
21 Minutes.

22                  COMMISSIONER WEISENMILLER: I would second  
23 that.

24                  VICE CHAIR BOYD: Roll call.

25                  MS. KALLEMEYN: Commissioner Eggert - Aye;

1 Commissioner Weisenmiller - Aye; Vice Chair Boyd - Aye.

2 The motion carries.

3 VICE CHAIR BOYD: The Minutes are approved,  
4 three to nothing.

5 Item 9. The next item will be any Commission  
6 Committee Presentations or Commissioner Discussion. Do  
7 we have any today?

8 COMMISSIONER EGGERT: Commissioner, if I might  
9 just take a minute and also thank the staff for a  
10 tremendous year, and it's been a great privilege to serve  
11 on this Commission for the last year, and I was sort of  
12 reflecting on all that's been accomplished with the  
13 combination of ARRA, all of the efficiency programs that  
14 were standing up, creating entirely new industries in the  
15 retrofit area, my great pleasure of serving with you on  
16 the Transportation Committee, and really getting the legs  
17 under 118 and getting that program proceeding at full  
18 speed ahead. And of course, all of the Siting activities  
19 and the Renewables, as well as a tremendous number of  
20 excellent projects under the PIER Program, some of which  
21 we've heard about today and certainly we'd hope that that  
22 continues in light of the reauthorization that the  
23 Legislature will be contemplating this coming year. So,  
24 I just want to sort of say thanks to you and the other  
25 Commissioners Weisenmiller, Byron, and Chair Douglas, it

1 has been a great pleasure, and then also thanks to the  
2 staff, it's really been a remarkable experience, and  
3 particularly because of the hard work of the staff to  
4 bring such excellent ideas, projects and policies before  
5 us. And I look forward to many more. So, no specific  
6 item, but just wanted to put that on the record.

7 VICE CHAIR BOYD: Thank you, Commissioner.  
8 Commissioner Weisenmiller, did you have any Committee  
9 presentations or items you wanted to broach?

10 COMMISSIONER WEISENMILLER: I would certainly  
11 second Commissioner Eggert's comments on the productivity  
12 the last year and certainly all of us, I'm sure, again  
13 want to thank the staff for their activity, and I look  
14 forward to next year.

15 VICE CHAIR BOYD: Thank you. Well, I want to  
16 join my fellow Commissioners in their comments. I have  
17 written down here that it has been a heck of a year. In  
18 less than mixed company, I might have been a little  
19 stronger, but - and we certainly look forward to next  
20 year, to reap the benefits, let's say, of the work that  
21 has been done this year. It has been an incredible year,  
22 as has been indicated. And hopefully next year we'll  
23 settle in, while increasing our productivity, being as  
24 gentle as we can to the staff, who have, I will say, the  
25 staff has been absolutely superb this year under the most

1   incredible workload I have experienced here, and some of  
2   the less than perfect working conditions, based on the  
3   state of the economy and the state of the financing of  
4   government, and the state of financing this agency, I  
5   want to thank the staff for what they've been able to  
6   accomplish, I want to thank the public and the  
7   stakeholders for understanding the state of the economy  
8   to the point that they understand the workload of this  
9   agency and its ability to produce, and I hope they feel  
10  also, now that most of them have gotten all their ARRA  
11  Christmas presents from this Commission, recognize the  
12  tremendous work that was done by the staff.  So, I'll  
13  join you all in your commendations.  I have no specific  
14  Committee Presentations to mention.  I would welcome the  
15  two of you standing in, starting next week, as I start my  
16  jury duty responsibility this coming Monday, so I don't  
17  know what it is this time of the year, other than many of  
18  us perhaps asked to be relieved this year and put it off  
19  until next year, and next year has come suddenly.  I know  
20  that was my particular case.  So, thank you all.

21           I'll move on now to Item 10, which is the Chief  
22  Counsel's Report.

23           MR. BLEES:  Thank you, Vice Chair Boyd and  
24  Commissioners.  I will take advantage of this opportunity  
25  and ask you to indulge me while I briefly thank my

1 colleagues for the heck of a year, as Vice Chair Boyd  
2 just said. I know that whenever I came in here on  
3 weekends, especially during the ARRA crunch, the solar  
4 power plant crunch that my colleagues were very well  
5 represented on the sign-out sheet, out at the security  
6 guard's desk, and I want to thank them all for the  
7 privilege of working with them, especially our new Chief  
8 Counsel, who had to put up with not only a uniquely  
9 difficult workload for our office and the whole  
10 Commission, but also some very unusual transition issues.  
11 And it's been a heck of a year, and a great year. So, I  
12 thank them all. Thank you.

13 VICE CHAIR BOYD: Thank you, Mr. Blees. That  
14 was very kind of you to say and you'll never find my name  
15 on that sign-up sheet because I sneak in the back door  
16 and don't bother to sign in. Maybe that was a mistake,  
17 but we run into each other even during Cal Football  
18 season down here.

19 All right, Item 11, Executive Director's  
20 Report.

21 MR. KELLY: The Executive Office - the whole  
22 Executive Office - joins in wishing the Commissioners and  
23 staff a safe and Happy New Year.

24 VICE CHAIR BOYD: Well, thanks on behalf of the  
25 Commissioners, and I'll speak for the staff, as well.



1           Item 11.   Public Advisor's Report.

2           MS. JENNINGS:   Yes, I'd like to second that, as  
3   well, Happy New Year to everybody.   I'd also like to  
4   spend a moment to introduce the new Assistant Public  
5   Advisor, Lynn Sadler.   She started December 16<sup>th</sup>, the day  
6   after the ARRA projects were through the Commission.   But  
7   I'm really excited about how she'll be able to look at  
8   everything that we have, especially on the Internet and  
9   other places, and make them, perhaps, a little bit more  
10   public friendly.   She comes to us with 30 years of  
11   conservation experience with a wide range of  
12   organizations, including the Mountain Lion Foundation,  
13   Planning and Conservation League, and South Coast Wild  
14   Lands.   She continues to serve on several Boards of  
15   Directors, she has worked in the Legislature on the  
16   Committee on Science and Technology, as well as one on  
17   Long Range Planning.   She also worked previously in the  
18   Governor's Office and was the Assistant Director of  
19   Department of Personnel Administration.   So, I am very  
20   happy and I think we're very lucky to have her here.  
21   Thank you.

22           VICE CHAIR BOYD:   Well, thank you.   And  
23   welcome, Ms. Sadler.   And let's hope next year is as  
24   interesting for you as it has been for Ms. Jennings all  
25   this current year.   She can tell you some of the stories,

1 you maybe picked up the flavor. Any comments you'd like  
2 to make?

3 COMMISSIONER EGGERT: I'd just also like to  
4 welcome Ms. Sadler, and it sounds like you've got a  
5 phenomenal background for your position here at the  
6 Commission and I'm very warmed to hear that you'll be  
7 involved in trying to make it easier and make the  
8 Commission more accessible to the public, including  
9 through the Web, I think. There's a tremendous amount of  
10 opportunity there - we've made a lot of progress this  
11 year, but we can do even more. So, welcome.

12 VICE CHAIR BOYD: Thank you. Item 12. Next  
13 item is Public Comment. I have no indication of Public  
14 Comment, so nobody is indicating the same, so we'll move  
15 on.

16 Lastly, there is a question about any need for  
17 Internal Organization and Policy Discussion. Any comment  
18 from the Executive Officer or Mr. Blees in the Chief  
19 Counsel's Office, a need for Executive Session? If not,  
20 that pretty well exhausts the agenda for today. Again,  
21 Happy New Year to everybody, and we look forward to  
22 convening again in the New Business Meeting in January  
23 with the new Administration in place in Sacramento, and  
24 new challenges, I'm sure. So enjoy the fleeting moments  
25 of 2010, and look forward to the new challenges of 2011.

1 Thank you, all. And we stand adjourned.

2 (Whereupon, at 11:00 a.m., the business meeting was

3 adjourned.)

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